

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

CHRISTOPHER KRACZEK,
on behalf of himself and all others similarly situated,

Plaintiff,

Case No. 19-cv-938-pp

v.

K&S TOOL, DIE & MANUFACTURING, INC.,

Defendant

**ORDER GRANTING JOINT MOTION FOR FINAL APPROVAL OF SETTLEMENT
(DKT. NO. 22), GRANTING MOTION FOR APPROVAL OF SERVICE AWARDS
(DKT. NO. 23) AND GRANTING PLAINTIFF'S MOTION FOR APPROVAL OF
ATTORNEYS' FEES AND COSTS (DKT. NO. 24)**

On August 18, 2020, the parties filed a Joint Motion for Preliminary Approval of Class Action Settlement and Class Certification for the Purposes of Settlement, Dkt. No. 19, along with the parties' fully executed "Settlement Agreement and Release," Dkt. No. 19-1. On October 15, 2020, the Court preliminarily approved the parties' settlement. Dkt. No. 20.

On December 23, 2020, the parties filed a Joint Motion for Final Approval of Settlement, Dkt. No. 22, and plaintiff's counsel filed an unopposed Motion for Approval of Plaintiff's Service Award, Dkt. No. 23, and an unopposed Motion for Approval of Attorneys' Fees and Costs, Dkt. No. 24.

On January 28, 2021 at 11:00 a.m., the court conducted a fairness hearing on the parties' request for final approval of their "Settlement Agreement and Release" and determined that the settlement in this matter, plaintiff's

counsel's attorneys' fees and case-related costs and expenses and plaintiff's service award were fair and reasonable.

The court **ORDERS** that the parties' Joint Motion for Final Approval of Settlement is **GRANTED**. Dkt. No. 22.

The court **ORDERS** that Plaintiff's Motion for Approval of Service Award is **GRANTED**. Dkt. No. 23.

The court **ORDERS** that Plaintiff's Motion for Approval of Attorneys' Fees and Costs is **GRANTED**. Dkt. No. 24.

The court **ORDERS** that the court:

1. Certifies, for the purposes of settlement, the Rule 23 Class under FED. R. CIV. P. 23 and the FLSA Collective under 29 U.S.C. § 216(b);
2. Appoints plaintiff Christopher Kraczek as Class Representative for the Rule 23 Class and FLSA Collective;
3. Appoints Walcheske & Luzi, LLC, as Class Counsel for the Rule 23 Class and FLSA Collective;
4. Approves the parties' settlement as fair, reasonable and adequate under Fed. R. Civ. P. 23(e);
5. Approves the parties' settlement as a fair and reasonable resolution of a *bona fide* dispute under the Fair Labor Standards Act ("FLSA");
6. Approves the settlement payments to the Settlement Class, which includes members of the Rule 23 Class and members of the FLSA Collective;

7. Instructs defendant's counsel to provide plaintiff's counsel with settlement checks for the Settlement Class within twenty-one (21) calendar days of this order;

8. Instructs plaintiff's counsel to promptly send the settlement checks to the Settlement Class via U.S. Mail following receipt of the settlement checks from defendant's counsel;

9. Instructs that the Settlement Class has one-hundred and twenty (120) days to cash their individual settlement checks, otherwise the individual settlement checks and amounts will revert to and be retained by defendant;

10. Grants plaintiff's unopposed request for approval of his attorneys' fees and case-related costs and expenses in the amount of \$37,800, which the parties have stipulated and agreed are reasonable;

11. Grants plaintiff's unopposed request for approval of his service award in the amount of \$2,500, which the parties have stipulated and agreed is reasonable;

12. Dismisses with prejudice the Settlement Class members' released claims; and

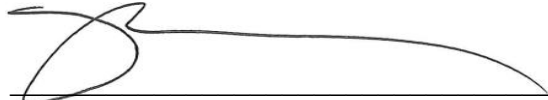
13. Dismisses without prejudice the FLSA Claims of the putative members of the FLSA Collective who did not properly and timely opt-into the

FLSA Collective in full accordance with the procedures set forth in the Settlement Agreement.

The court **DISMISSES** this case.

Dated in Milwaukee, Wisconsin this 29th day of January, 2021.

BY THE COURT:

A handwritten signature in black ink, appearing to be 'P. Pepper', written over a horizontal line.

HON. PAMELA PEPPER
Chief United States District Judge